

Department of Permits Approvals and Inspections
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 90475

Ruxton Township Company LLC
6718 Holabird Avenue
Baltimore MD 21222

1600 Ruxton Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE ADMINISTRATIVE LAW JUDGE

This matter came before the Administrative Law Judge on April 20, 2011 for a Hearing on a citation for violations under the Baltimore County Code (BCC). The Respondent was charged with violating BCZR §13-7-112, 115, 310 and 312; 13-4-201; 35-2-404(a)(1,2); Baltimore County Zoning Regulations (BCZR) §101, 102.1, 1B01.1A and 1B01.1D: failure to cease open dump conditions, failure to store all garbage in containers with tight fitting lids, failure to contain recycling.

On March 28, 2011, pursuant to § 3-6-205, Baltimore County Code, Inspector Kim Wood issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$800.00 (eight hundred dollars).

The following persons appeared for the Hearing and testified: Deanna Townsley, Property manager for Ruxton Township Company LLC, Peggy Squitieri with the Ruxton-Riderwood Association, Joseph Coale, President of the Greater Ruxton Area Foundation and Kim Wood, Baltimore County Code Enforcement Officer.

Inspector Wood presented the County's case, which included several photographs depicting the trash and debris strewn about the premises, which consists of a group of rental townhouses. The dumpster area shown in the photos is littered with trash and junk, and Inspector Wood indicated that the condition of the property has not improved significantly since she issued a citation March 28, 2011,

and that much trash, junk and debris remained on her pre-hearing inspection of April 18, 2011, at which time "open dump" conditions existed.

Ms. Townsley explained that her company was vigilant in keeping the property maintained. She testified that the dumpster area is unlocked and that people will drive in and drop off bulk items, like furniture and other items. She stated that the management company was aware of the pastoral and prestigious Ruxton neighborhood surrounding the townhouses, and indicated that the company is considering locking the dumpster area, and would be amenable to discussing any concerns or suggestions with community representatives.

Ms. Squitieri and Mr. Coale both testified that the property has become an eyesore in recent years, coincident with the transfer of ownership approximately three years ago. Both testified that the unsightly conditions are visible when passing by the complex, and (though the point was disputed by Ms. Townsley) that it would appear there are several vacant units within the property which exacerbate the problems

THEREFORE:

IT IS ORDERED by the Administrative Law Judge that a civil penalty be imposed in the amount of \$800.00 (eight hundred dollars).

IT IS FURTHER ORDERED that \$500.00 of the \$800.00 civil penalty be suspended, with an immediate \$300.00 fine imposed at this time. If not paid within 30 days of billing, the \$300.00 penalty shall be placed as a lien upon the premises.

IT IS FURTHER ORDERED that the suspended \$500.00 penalty be imposed if the property is not brought into compliance by May 2, 2011.

IT IS FURTHER ORDERED that the suspended \$500.00 penalty be imposed if there is a subsequent finding against the Respondent for the same violation within one year of the date of this Order.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 22ND day of April 2011

Signed: ORIGINAL SIGNED
John E. Beverungen
Administrative Law Judge

NOTICE TO RESPONDENT: The Respondent is advised that pursuant to §3-6-301(a) of the Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security in the amount of the penalty assessed.

JEB/jaf